

806 KAR 9:020. False or deceptive names, titles, prohibited.

RELATES TO: KRS 292.330(1), 304.1-010, 304.09, 304.12-130

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes that the Commissioner of Insurance to make administrative regulations necessary for or as an aid to the effectuation of any provisions of the Kentucky Insurance Code as defined in KRS 304.1-010. This administrative regulation prohibits the use of names, titles, degrees, certificates, accomplishments, or the like, that implies a greater skill or knowledge than the person actually possesses.

Section 1. Definitions. (1) "Agent" is defined in KRS 304.9-020(1).

(2) "Annuity" is defined in KRS 304.5-030.

(3) "Commissioner" is defined by KRS 304.1-050(1).

(4) "Consultant" is defined in KRS 304.9-040.

(5) "Insurer" is defined in KRS 304.1-040.

(6) "Licensee" means agent, insurer, if an agent is not involved, and consultant.

(7) "Life Insurance" is defined in KRS 304.5-020.

Section 2. A person licensed pursuant to KRS Chapter 304, Subtitle 9, shall not, in the conduct of business, use, or knowingly permit to be used on the person's behalf, any name, title, letters, degrees, certificate, accomplishment, award, designation or the like, which:

(1) Implies or purports to convey that the person possesses a greater skill, knowledge, experience or qualification than is actually a fact;

(2) Exceeds the maximum requirements for licensing under the Kentucky Insurance Code as defined in KRS 304.1-010; or

(3) Implies or purports to convey that the person possesses a greater skill, knowledge, experience, or qualification in advising or servicing seniors in connection with the solicitation, sale, or purchase of a life insurance or annuity product.

Section 3. Section 2 of this administrative regulation shall not prohibit the use of names, titles, letters, degrees, certificates, recognition of accomplishments, awards, designations, or the like which have been properly conferred upon a licensee by:

(1) A duly accredited and recognized college or university; or

(2) A duly accredited and recognized professional association or society.

Section 4. Factors Constituting a Certification or Designation. In determining if a combination of words, or an acronym standing for a combination of words, constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing seniors, factors to be considered shall include:

(1)(a) Use of the words "senior", "retirement", "elder", or similar words;

(b) Combined with "certified", "registered", "chartered", "advisor", "specialist", "consultant", "planner", or similar words; and

(2) The manner in which those words are combined.

Section 5. Certain Job Titles. A job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, including an agency that regulates insurance licensees, shall not be a certification or professional designation, unless:

(1) It is used in a manner that would confuse or mislead a reasonable consumer; and

(2) The job title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies an individual's area of specialization within the organization.

Section 6. This administrative regulation shall not exempt an individual from compliance with the registration requirements of KRS 292.330(1) if the individual transacts business in this state as a broker-dealer, investment adviser, agent, or investment adviser representative. (I-9.02; 1 Ky.R. 860; eff. 5-14-75; 32 Ky.R. 314; 880; eff. 12-2-2005; 38 Ky.R. 325; 802; 913; 12-2-2011.)